UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/49/193
9 March 1995

Forty-ninth session
Agenda item 100 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.2)]

49/193. Question of enforced or involuntary disappearances

The General Assembly,

Reaffirming the obligation of States under the Charter of the United Nations, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolutions 46/125 of 17 December 1991 and 47/132 of 18 December 1992 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Emphasizing that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights welcomed the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance, 1/

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts is of the nature of a crime against humanity,

1/ A/CONF.157/24 (Part I), chap. III, sect. II, para. 62.

Expressing concern that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Convinced also that further efforts are needed to promote wider awareness of and respect for the Declaration,

Deeply concerned about the persistence of the practice of enforced disappearances in the world,

Concerned about the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Bearing in mind Commission on Human Rights resolution 1994/39 of 4 March 1994, 2/

1. Reaffirms that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, 3/ and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Recalls that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

3. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

5. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

6. Recalls that, if allegations are confirmed, perpetrators should be prosecuted;

7. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

2/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

3/ Resolution 217 A (III).

8. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

9. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages;

10. Notes the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

11. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

12. Requests the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods if necessary;

13. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles, taking into account the discussions of the Subcommission;

14. Furthermore encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;

15. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

16. Appeals to the Governments concerned, particularly those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

17. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

18. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

19. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-first session; 4/

4/ E/CN.4/1995/36.

20. Invites the Commission on Human Rights at its fifty-first session to consider extending for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, 5/ while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

21. Renews its request to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially in carrying out missions and following them up;

22. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration ;

23. Also requests the Secretary-General to submit to it at its fifty-first session a report on the steps taken to implement the present resolution;

24. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

94th plenary meeting
23 December 1994

5/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/49/194
9 March 1995

Forty-ninth session
Agenda item 100 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.2)]

49/194. Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights, 1/ Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Also convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law, 2/

1/ Resolution 217 A (III).

2/ A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

Recalling also its resolution 48/132 of 20 December 1993, and taking note of Commission on Human Rights resolution 1994/50 of 4 March 1994, 3/

1. Welcomes the report of the Secretary-General 4/ submitted in conformity with resolution 48/132;

2. Takes note with interest of the proposals submitted in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions in the rule of law;

3. Praises the efforts made by the Centre for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for Human Rights for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Requests the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial assistance to strengthen the realization of human rights and the maintenance of the rule of law;

7. Also requests the Secretary-General to submit a report to the General Assembly at its fiftieth session on the results of the contacts he may establish in accordance with paragraph 6 above, as well as on any other developments pertaining to the implementation of the recommendation of the World Conference on Human Rights contained in paragraph 69 of section II of the Vienna Declaration and Programme of Action.

94th plenary meeting
23 December 1994

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

4/ A/49/512.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/49/195
9 March 1995

Forty-ninth session
Agenda item 100 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.2)]

49/195. Strengthening of the Centre for Human Rights of the Secretariat

The General Assembly,

Recalling its resolutions 44/135 of 15 December 1989, 45/180 of 21 December 1990, 46/111 and 46/118 of 17 December 1991, 47/127 of 18 December 1992 and 48/129 and 48/141 of 20 December 1993, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and a priority activity of the Organization,

Bearing in mind that the Secretary-General, in his reports on the work of the Organization for 1992 and 1994, stated that the Charter of the United Nations placed the promotion of human rights as a priority objective, along with promoting development and preserving international peace and security, 1/ and that the continuous increase in requests is increasing the workload of the Centre for Human Rights of the Secretariat and placing ever greater demands on its resources, 2/

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1), para. 100.

2/ A/49/1, para. 387.

Taking into account that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, concerned by the growing disparity between the activities of the Centre and the human, financial and other resources available to carry them out, and bearing in mind the resources needed for other important United Nations programmes, requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources, 3/

Taking into account also the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in its resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Taking into account further the fact that the responsibilities of the High Commissioner include, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Noting that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights stressed the importance of strengthening the Centre, 4/

Noting also that the difficult financial situation of the Centre has created considerable obstacles to the implementation of the various procedures and mechanisms and has negatively influenced the servicing by the Secretariat of the human rights bodies concerned,

Noting with appreciation the measures already taken by the Assistant Secretary-General for Human Rights, Head of the Centre for Human Rights, aimed at improving the administration and management of the Centre,

Acknowledging that, while further improvement in the functioning and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by additional resources commensurate with additional mandates,

Recalling that in its report to the Special Commission of the Economic and Social Council, 5/ the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

---

3/ See A/CONF.157/24 (Part I), chap. III, sect. II, para. 9.

4/ Ibid., para. 13.

5/ E/CN.4/1988/85 and Corr.1, para. 30.

Taking note of the report of the Secretary-General, 6/

Taking note also of the report of the United Nations High Commissioner for Human Rights, 7/

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights of the Secretariat, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Requests the Secretary-General and Member States to ensure that appropriate additional financial, material and personnel resources are provided in 1994-1995 from within the programme budget for the biennium 1994-1995 8/ to enable the Centre and the High Commissioner to carry out, in full and on time, the respective mandates assigned to them by the competent bodies dealing with human rights;

3. Calls upon the Secretary-General to include in his submission for the proposed programme budget for the biennium 1996-1997, giving due regard to development and other priority activities of the United Nations, human and financial resources for United Nations human rights activities, adequate to respond to the increase in mandated activities in order to enable the Centre and the High Commissioner to carry out their respective mandates efficiently and effectively;

4. Requests the Secretary-General to make available additional human and financial resources:

(a) To the United Nations High Commissioner for Human Rights so as to enhance his ability to coordinate effectively human rights promotion and protection activities throughout the United Nations system, including the provision of advisory services and technical assistance;

(b) To the Centre so as to strengthen its ability to discharge all its mandates, as well as its ability to deal with administrative and budgetary matters, including the provision of advisory services;

(c) To the High Commissioner and the Centre so as to enhance their ability to carry out mandated operational activities and to coordinate efficiently with other relevant parts of the United Nations system on logistical and administrative questions;

5. Emphasizes that, while steps are being taken to improve the administrative efficiency of the Centre, and while it has noted with appreciation the measures recently taken by the Assistant Secretary-General for Human Rights, Head of the Centre for Human Rights, aimed at improving the management of the Centre, further steps should be undertaken to analyse the present and future utilization of available human and financial resources as well as additional measures to improve further the administrative efficiency and effectiveness of the Centre, if required with appropriate technical assistance;

6/ A/49/595.

7/ A/49/36.

8/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 6 (A/48/6/Rev.1); and ibid., Supplement No. 6A (A/48/6/Rev.1/Add.1).

6. Requests the Secretary-General to submit an interim report to the Commission on Human Rights at its fifty-first session and a final report to the General Assembly at its fiftieth session on the strengthening of the Centre and on the measures taken to implement the present resolution.

94th plenary meeting
23 December 1994